

AMENDED IN ASSEMBLY APRIL 24, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1118

Introduced by Assembly Member Levine

February 21, 2003

An act to add Section 5089 to the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1118, as amended, Levine. Vehicles: special interest license plates: ~~Humane Society: Society for the Prevention of Cruelty to Animals~~ *animal welfare*.

Existing

(1) *Existing* law requires the Department of Motor Vehicles to issue special interest license plates to a person applying for the plates and paying certain fees. The plates contain a distinct design or decal of the participating organization and may be displayed in lieu of regular license plates. Existing law prohibits the department from issuing a special interest license plate until the participating organization has received and submitted to the department not less than 7,500 applications for that particular plate within certain time limitations.

This bill would require the department, in consultation with the ~~Humane Society and the Society for the Prevention of Cruelty to Animals~~ *Department of the California Highway Patrol*, to design and make available for issuance special interest license plates. The bill would require the issuance to be as required under existing law, ~~except that notwithstanding existing law, the plates would contain a full plate~~ *with a graphic design depicting a dog or a cat, or both a dog and a cat*, and would be issued in a combination of numbers or letters, or both, as

requested by the applicant for the plates. The bill would require certain funds generated from the issuance of the special interest license plates to be deposited in the Animal ~~Shelter~~ Welfare License Plate Account, which the bill would establish in the General Fund. The bill would require the money in the account to be allocated by the Controller, upon appropriation by the Legislature, ~~in the amount of 50% to the Humane Society and 50% to the Society for the Prevention of Cruelty to Animals. The bill would require the money to be used only for the operation of animal shelters and clinics in California. The bill would require the 2 organizations receiving the money to report to the Legislature regarding their use of the money, as specified to each county in proportion to the number of plates sold under these provisions in the county during the previous calendar year.~~

The bill would require a county that receives funds under these provisions to distribute those funds to animal welfare agencies within the county that meet certain requirements, in proportion to the number of animals handled by the agency during the previous calendar year. Because this requirement would impose additional duties upon the county the bill would establish a state-mandated local program.

The bill would prohibit a city or county that receives funds under these provisions from depositing those funds in the city or county general fund and would require the city or county to use those funds to supplement, not supplant, existing funding for specified animal welfare purposes.

The bill would require an agency that receives funds under these provisions to use those funds only for certain animal welfare purposes.

The bill would require agencies that receive funding under these provisions to report to the Controller regarding their use of the money, as specified. The bill require the Controller, if an agency fails to comply with this reporting requirement, to notify the county in which the agency is located, and the county would be required to suspend funding under these provisions for that agency for 5 years from the date upon which notification is received from the Controller. Because this requirement would impose additional duties upon the county the bill would establish a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000

statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 5089 is added to the Vehicle Code, to
2 read:
3 ~~5089. (a) The department, in consultation with the Humane~~
4 ~~Society and the Society for the Prevention of Cruelty to Animals,~~
5 5089. (a) *The department, in consultation with the*
6 *Department of the California Highway Patrol,* shall design and
7 make available for issuance special interest license plates. The
8 issuance shall be as required under this article, ~~except that~~
9 ~~notwithstanding Section 5060, the plates shall contain a full plate~~
10 *with a graphic design depicting a dog or a cat, or both a dog and*
11 *a cat, and may be issued in a combination of numbers or letters, or*
12 *both, as requested by the applicant for the plates. A person*
13 *described in Section 5101, upon payment of the additional fees set*
14 *forth in subdivision (b), may apply for and be issued a set of the*
15 *special interest license plates described in this subdivision.*
16 (b) In addition to the regular fees for an original registration, a
17 renewal of registration, or a transfer or substitution of the license
18 plates, the following additional fees shall be paid for the issuance,
19 renewal, retention, transfer, or substitution of the special interest
20 license plates authorized under this section:
21 (1) For the original issuance of the plates, fifty dollars (\$50).
22 (2) For a renewal of registration with the plates, forty dollars
23 (\$40).
24 (3) For transfer of the plates to another vehicle, fifteen dollars
25 (\$15).
26 (4) For each substitute replacement plate, thirty-five dollars
27 (\$35).
28 (c) After deducting its administrative costs under this section,
29 the department shall deposit the additional revenue derived from

1 the issuance, renewal, transfer, and substitution of the special
2 interest license plates into the Animal ~~Shelter~~ Welfare License
3 Plate Account, which is hereby established in the General Fund.
4 Upon appropriation by the Legislature, the funds in the account
5 shall be ~~allocated by the Controller as follows, and may be used~~
6 ~~only for the operation of animal shelters and clinics in California:~~

7 ~~(1) Fifty percent to the Humane Society.~~

8 ~~(2) Fifty percent to the Society for the Prevention of Cruelty to~~
9 ~~Animals.~~

10 ~~(d) allocated by the Controller to each county in proportion to~~
11 ~~the number of plates sold under this section in the county during~~
12 ~~the previous calendar year.~~

13 *(d) A county that receives funds under subdivision (c) shall*
14 *distribute those funds to animal welfare agencies within the county*
15 *that are any of the following, in proportion to the number of*
16 *animals handled by the agency during the previous calendar year:*

17 *(1) Operated by a city or county government.*

18 *(2) Eligible under Section 14502 of the Corporations Code to*
19 *apply for the appointment of an individual as a level 1 or level 2*
20 *humane officer.*

21 *(3) A humane society or a society for the prevention of cruelty*
22 *to animals that is exempt from federal income taxation under*
23 *Section 501(c)(3) of the Internal Revenue Code and meets either*
24 *or both of the following conditions:*

25 *(A) Has been in existence for 10 years or more.*

26 *(B) Contracts with a city or county government to provide*
27 *animal welfare services.*

28 *(4) The California Veterinary Medical Association.*

29 *(e) A city or county that receives funds under subdivision (c) or*
30 *(d) may not deposit those funds in the city or county general fund*
31 *and shall use those funds to supplement, not supplant, existing*
32 *funding for the purposes listed under subdivision (f).*

33 *(f) An agency that receives funds under subdivision (d) may use*
34 *those funds only for the following purposes:*

35 *(1) Spay and neuter programs, including, but not limited to,*
36 *education and outreach efforts and free or reduced-cost spay or*
37 *neuter, or both, services.*

38 *(2) Adoption assistance programs.*

1 (3) *Capital for the construction, expansion, and maintenance*
2 *of facilities owned and operated by an agency qualified to receive*
3 *funding under subdivision (d).*

4 (g) (1) On or before June 30 of the year after the first year
5 funds are allocated under subdivision (c), and on or before each
6 June 30 thereafter, each ~~organization~~ agency that expends those
7 funds shall report to the ~~Legislature~~ Controller regarding the
8 ~~organization's~~ agency's use of the funds.

9 (2) *If an agency fails to comply with reporting requirement in*
10 *paragraph (1), the Controller shall notify the county in which the*
11 *agency is located, and the county shall suspend funding under this*
12 *section for that agency for five years from the date upon which*
13 *notification is received from the Controller.*

14 SEC. 2. *Notwithstanding Section 17610 of the Government*
15 *Code, if the Commission on State Mandates determines that this*
16 *act contains costs mandated by the state, reimbursement to local*
17 *agencies and school districts for those costs shall be made*
18 *pursuant to Part 7 (commencing with Section 17500) of Division*
19 *4 of Title 2 of the Government Code. If the statewide cost of the*
20 *claim for reimbursement does not exceed one million dollars*
21 *(\$1,000,000), reimbursement shall be made from the State*
22 *Mandates Claims Fund.*